

ORIGINAL

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2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 ----- x
5 ROLANDE CUTNER,
6 Plaintiff,
7 -against-
8 THE LANTERN GROUP, ST. LOUIS HALL, L.P.,
9 SRO HOTEL THE ST. LOUIS a/k/a
10 THE ST. LOUIS HALL, 319 REALTY SERVICES, LLP
11 and 319 WEST LLC, and XYZ CORPORATION,
12 (Said name being fictitious; it being the
13 intention of CUTNER to designate any
14 corporation having a legal interest in
15 the SRO HOTEL THE ST. LOUIS),
16 Defendants.
17 ----- x
18 450 Seventh Avenue
19 New York, New York
20
21 August 5, 2008
22 10:11 a.m.
23
24 CONTINUED EXAMINATION BEFORE TRIAL
25 FROM JULY 10, 2008 of ROLANDE CUTNER, the
Plaintiff in the above-entitled action, held
at the above time and place, pursuant to
Order, taken before Mary E. Santiago, a
shorthand reporter and Notary Public within
and for the State of New York.

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2
3 STIPULATIONS
4
5 IT IS HEREBY STIPULATED AND AGREED
6 by and between the attorneys for the
7 respective parties herein, that filing,
8 sealing and certification be and the
9 same are hereby waived.
10
11 IT IS FURTHER STIPULATED AND AGREED
12 that all objections, except as to the
13 form of the question shall be reserved
14 to the time of the trial.
15
16 IT IS FURTHER STIPULATED AND AGREED
17 that the within deposition may be signed
18 and sworn to before any officer authorized
19 to administer an oath, with the same force
20 and effect as if signed and sworn to before
21 the Court.
22
23
24
25

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2 APPEARANCES:
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12 MIRANDA SOKOLOFF SAMBURSKY SLONE
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17 Mineola, New York 11501
18 BY: MELISSA HOLTZER, ESQ.
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1 217
2 ROLANDE CUTNER,
3 the witness herein, having been
4 previously duly sworn by a Notary
5 Public of the State of New York,
6 was examined and testified as
7 follows:
8 EXAMINATION BY
9 MS. HOLTZER:
10 Q. Good morning. We're here today for
11 a continuation of your deposition which the
12 first day of -- which was held on July 10,
13 2008.
14 MS. HOLTZER: I just want to
15 have this marked as Exhibit C.
16 (Interim Package Handling
17 Policy was marked
18 Defendants' Exhibit C for
19 identification, as of this
20 date.)
21 Q. I'm going to show you what has been
22 marked as Exhibit C (handing). The extra
23 file I gave you is for your file.
24 Do you recognize this document?
25 A. Yes, I do.

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2 Q. What do you understand what this

3 document to be?

4 A. It is a notice entitled "Interim

5 Package and Handling Policy."

6 Q. Do you see where it says under

7 procedures where it says "tenants who desire

8 the reception desk to accept packages must

9 fill out and sign the request form for

10 package delivery and package assistance," the

11 package delivery assistance form?

12 A. No.

13 Q. Why didn't you fill out this form?

14 A. Because I talked personally, I mean

15 during that meeting that we had and I don't

16 remember, it was maybe September 10th or

17 September 15th. I know it was in September,

18 but I don't remember the exact date.

19 This lady from the Lantern Group as

20 present, I think her name is Harriet Cohen

21 and I talked to her personally so I did not

22 feel that it was necessary to fill out the

23 form.

24 Q. Do you know whether the security

25 guards at your building were aware that you

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1 Rolande Cutner 220

2 A. A lot.

3 Q. About how often?

4 A. Considering that I deliver, I asked

5 for delivery of my clean clothes twice a

6 week, it would be twice a week, roughly.

7 Q. So every time the delivery boy came

8 with your laundry they would be turned away?

9 A. Yes.

10 Q. You said that you would speak to

11 the security guards; was it always the same

12 security guard?

13 A. No.

14 Q. What would you say to the security

15 guards?

16 A. "Where is my clean clothes?"

17 Q. What would they say in response?

18 A. "I don't know."

19 Q. Did you tell them that you have a

20 physical disability and the Lantern Group has

21 a policy where the reception desk is supposed

22 to accept deliveries with tenants with

23 disabilities?

24 A. You bet I did.

25 Q. What did they say in response?

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1 Rolande Cutner 219

2 had spoken to Ms. Cohen about the package

3 delivery?

4 A. I don't know. I spoke to her.

5 Q. Do you see under procedures after

6 the second bullet point where it says "if you

7 are expecting a package, be sure to check

8 with the reception desk."

9 Did you ever check with the

10 reception desk and let them know you were

11 expecting a package?

12 A. Let me explain. I talked to the

13 security guard. Every time they turn out the

14 delivery boy, delivery of my cleaners.

15 Instead of package we should put cleaners so

16 my answer is yes, I talked to the security

17 guard about the delivery boy. That's the

18 correct answer.

19 Q. Do you see how at the top under

20 where it says "St. Louis Hall," it says

21 "September 10, 2007."

22 Did the security guards ever reject

23 the delivery boy after September 10, 2007?

24 A. Yes.

25 Q. On how many occasions?

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1 Rolande Cutner 221

2 A. Nothing.

3 Q. Do you recall the names of any of

4 the security guards that you spoke with?

5 A. No, because most of the time when I

6 ask for the name, they would say, "It's not

7 of your business, lady."

8 Q. Was it a different security guard

9 each time?

10 A. Yes, I believe so.

11 Q. Do you recall last time we met at

12 your last deposition you gave testimony

13 regarding the bed bug policy?

14 A. Yes.

15 Q. Do you recall your testimony that

16 none of the tenants used, took advantage of

17 the bed bug extermination services?

18 A. I don't remember my testimony being

19 exactly this wording.

20 Q. I'm going to show you what was

21 previously marked as Exhibit A (handing).

22 Ms. Cutner, I'm going to direct you

23 to Page 22 of Exhibit A.

24 A. I am with you.

25 Q. Do you see towards the top of the

Page 222

1 Rolande Cutner 222

2 page in the second paragraph it says, "as a

3 matter of fact, the extermination described

4 by the Lithan Co. leaflet that no tenants

5 ever called that company."

6 Do you know for a fact that no

7 tenants ever called the company?

8 A. I repeat what one of the tenants

9 told me exactly, the sentence I repeat. You

10 know, she said to me "it's so complicated

11 that nobody in the building can following

12 this proceeding" or words to that expression.

13 The tenant talked to me to that.

14 MS. HOLTZER: I'm going to

15 have this marked as Exhibit D.

16 (Document was marked

17 Defendants' Exhibit D for

18 identification, as of this

19 date.)

20 Q. Ms. Cutner, I'm going to show you

21 what has been marked as Exhibit D (handing).

22 Have you ever seen this document

23 before?

24 A. I don't recall the document dated

25 September 5th but I certainly recall the

Page 224

1 Rolande Cutner 224

2 A. Yes, I can read it.

3 Q. Did anyone from the Lantern Group

4 ever reach out to you regarding having your

5 room fumigated for bed bugs?

6 A. Tenants talk to me about that?

7 Q. Anyone from the Lantern Group?

8 A. No, I don't recall.

9 Q. I want to direct you to the last

10 page of the document -- no, the next to last

11 page, the page that says the Lithan Co.

12 As of June 26, 2006, is the

13 procedure outlined here, the procedure that

14 you're referring to in your complaint?

15 A. Yes, that's correct.

16 Q. What about this procedure did you

17 believe was complicated?

18 A. I just report what one of the

19 tenants told me. It was conversation I would

20 say and this tenant because I believe if my

21 memory is correct, we were talking about bed

22 bug and I said, "Apparently there is a policy

23 to get treated for bed bug." And this lady

24 tenant say, "What? Did you see the policy

25 how complicated? Nobody can follow this

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1 Rolande Cutner 223

2 document that was titled, is the Lantern Co.,

3 as of June 26th. This one I remember having

4 seen this one.

5 Q. Do you recognize this document as a

6 document that you provided to us as part of

7 your automatic disclosures?

8 A. Yes. This is. I didn't recognize

9 it because I specifically gave it to you.

10 Q. I want to direct you towards the

11 second page of Exhibit D that says "service

12 improvement schedule."

13 I want to point you to the third

14 item down where it says "bed bug policy" and

15 do you see where it says "a number of tenants

16 have signed up and had their rooms

17 fumigated," do you know whether or not that's

18 true?

19 A. I have no way to know that. I

20 don't know.

21 Q. Do you see where it says "we were

22 outreaching to the remaining tenants to

23 address bed bug issues?"

24 A. What's your question?

25 Q. Do you see where it says that?

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1 Rolande Cutner 225

2 policy." And she went on and on and on. And

3 I say, "What's the policy?"

4 So I don't remember if she handed

5 me this or maybe, I'm not sure if it was

6 posted on the wall or she handed that to me,

7 that I am not sure. But, whatever, I saw

8 this document, I took it, I read it, and I

9 said, "I understand what you mean it's so

10 complicated. How in the world people are

11 going to follow this policy?"

12 That was the extent, substance of

13 the conversation, not every word but the

14 substance.

15 Q. Do you recall the name of the

16 tenant?

17 A. Yes, Florence Baylor, B-A-Y-L-O-R,

18 I believe, Baylor, yes.

19 Q. And do you know whether --

20 A. Oh, excuse me. And also another

21 tenant, Mr. Chris Santee, S-A-N-T-E-E, and I

22 remember he said "this is a joke" that I

23 remember because I had to agree with him. He

24 said, quote, unquote, "this is a joke,"

25 talking about this.

<p style="text-align: right;">Page 226</p> <p>1 Rolande Cutner 226</p> <p>2 Q. Did you have bed bugs in your room?</p> <p>3 A. No, no, because I am myself, I do</p> <p>4 the bed bug every day so I would say,</p> <p>5 fortunately, no.</p> <p>6 Q. Do you know whether this procedure</p> <p>7 is necessary in order to rid an apartment of</p> <p>8 bed bug infestation?</p> <p>9 A. I have no idea. I am not a</p> <p>10 specialist.</p> <p>11 Q. I want to direct you back to your</p> <p>12 complaint, Exhibit A, Page 55.</p> <p>13 A. Fifty-five.</p> <p>14 Q. In Paragraph 162, you allege that</p> <p>15 the Lantern Group knowingly and intentionally</p> <p>16 caused you to be harassed and discriminated</p> <p>17 against because of your disability. In what</p> <p>18 way were you harassed because of your</p> <p>19 disability?</p> <p>20 A. In several ways but the most</p> <p>21 important is that I could not have my clean</p> <p>22 clothes delivered to the building, and as I</p> <p>23 explained, I believe I explained to you at</p> <p>24 the last deposition because of my disease, I</p> <p>25 cannot carry anything with my hand extended</p>	<p style="text-align: right;">Page 227</p> <p>1 Rolande Cutner 227</p> <p>2 'cause I would fall on the back or fall on</p> <p>3 the front.</p> <p>4 It's very important to understand</p> <p>5 that because of my disease I cannot carry on</p> <p>6 the top of my extended arm, I cannot carry.</p> <p>7 Q. You stated before that it was the</p> <p>8 security guards who declined receipt of your</p> <p>9 packages; is that correct?</p> <p>10 A. I said clean clothes, you know.</p> <p>11 Q. Right, but it was the security</p> <p>12 guards who declined delivery of your</p> <p>13 laundered clothes; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. What is your basis for alleging</p> <p>16 that the Lantern Group knowingly and</p> <p>17 intentionally caused the security guards to</p> <p>18 decline your clean clothes deliveries?</p> <p>19 A. Because I spoke several times to</p> <p>20 Ms. Harriet Cohen about the fact that I</p> <p>21 cannot carry my clean clothes and I</p> <p>22 specifically tell her that it's very</p> <p>23 important because I had metal plate on my</p> <p>24 back and if I fall on my back, it's a</p> <p>25 disaster.</p>
<p style="text-align: right;">Page 228</p> <p>1 Rolande Cutner 228</p> <p>2 And I repeatedly I told her that</p> <p>3 and I even confront her also at the BSA</p> <p>4 hearing on 40 Rector Street and I confront</p> <p>5 her again at CB 7 meeting which is a</p> <p>6 Community Board 7 meeting again and several</p> <p>7 other meetings that I have to look into my</p> <p>8 memory booklet says that in a general</p> <p>9 speaking way I confront her and nothing</p> <p>10 happened and because the Lantern Group, I</p> <p>11 understand but I am not sure, of course, but</p> <p>12 understand the Lantern Group retain the</p> <p>13 security guards corporation to enforce the</p> <p>14 policy in the building. The security guard</p> <p>15 are controlled by the Lantern Group because</p> <p>16 the security guard they don't know nothing,</p> <p>17 they just follow what the Lantern Group tells</p> <p>18 them to do.</p> <p>19 Q. When was the most recent time that</p> <p>20 you spoke with Harriet Cohen regarding your</p> <p>21 laundry delivery?</p> <p>22 A. The Community Board 7 meeting</p> <p>23 either in July 2008 or late June. Again, I</p> <p>24 have to look at my calendar. Let's put it</p> <p>25 precisely at the last Community Board 7</p>	<p style="text-align: right;">Page 229</p> <p>1 Rolande Cutner 229</p> <p>2 meeting which I was there and she was present</p> <p>3 and she had the nerve to say in front of</p> <p>4 everybody, "I don't know this woman." This</p> <p>5 is what she had the nerve to say and I</p> <p>6 confront her facing her.</p> <p>7 Q. She said that she doesn't know you?</p> <p>8 A. Yes.</p> <p>9 Q. In what context did she say that?</p> <p>10 A. Because I confront her for the</p> <p>11 delivery of my clean clothes.</p> <p>12 Q. You told her that you needed to</p> <p>13 have your clothes delivered and your</p> <p>14 deliveries were being rejected and she</p> <p>15 responded that she didn't know you; is that</p> <p>16 correct?</p> <p>17 A. Let me explain. They gave me the</p> <p>18 microphone and I explain that again even this</p> <p>19 package, my clean clothes, the delivery boy</p> <p>20 of the clean clothes has been turned away.</p> <p>21 So I am talking with the microphone and they</p> <p>22 are all public and I see Ms. Harriet Cohen</p> <p>23 sitting so I walk and I said, "How come again</p> <p>24 my clean clothes are not delivered and the</p> <p>25 security guard turn away my delivery boy?"</p>

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 2 She look maybe because I don't want
 3 to say she was, was because I confronted her,
 4 she looked, she said "I don't know this
 5 woman" in front of all the community board.
 6 So I became so angry, I said, "You don't
 7 remember me?" So then a little bit shy she
 8 said, "Yes, I think I do remember you." That
 9 was I would call it a confrontation.
 10 Q. Why do you say that she said "I
 11 think I remember you?"
 12 A. Because we were in an environment
 13 with 25 people in the public, they're the
 14 whole community board is sitting there,
 15 everybody is looking at her. I think, so I
 16 think that she did not recognize me and then
 17 suddenly she say she recognize me. Let's
 18 give her the benefit of the doubt.
 19 So, I mean, you know, what can I
 20 say, I mean, you know, she probably then say
 21 yes, I recognize you or something like, I
 22 mean, you have to understand. It, it was a
 23 very confrontational meeting with all the
 24 public there and maybe she was "oh, my god,
 25 maybe it's true" at the minute she did not

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1 Rolande Cutner 232
 2 times?
 3 A. More than five times. I mean, we
 4 are talking now about, let's say, the two
 5 years since the Lantern Group took over in
 6 March of 2006, then we have the whole 2007
 7 and then we have from January 2008 until June
 8 or today.
 9 Q. Would you say in the entire time
 10 period that you just described, would you say
 11 you've spoken to her more or less than ten
 12 times?
 13 A. Let's say between five and ten over
 14 the, let's say, two years period and to be
 15 reasonable, say, between five and ten in a
 16 two-year period.
 17 Q. Aside from the security guards and
 18 aside from Ms. Cohen, was there anyone else
 19 at the Lantern Group that you discussed
 20 delivery of your clean clothes with?
 21 A. Belonging to the Lantern Group?
 22 Q. Yes.
 23 A. I cannot recall. Maybe but I
 24 cannot recall.
 25 Q. Other than the delivery of your

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1 Rolande Cutner 231
 2 recognize me, maybe. I don't want to accuse
 3 a person, you know. Maybe.
 4 Q. What I meant by my question was you
 5 said that she said it a little bit shy; do
 6 you mean that she spoke quietly?
 7 A. Shy in the sense of nervous. Her
 8 voice was not coming out. She sound like
 9 almost like a child who is under a tremendous
 10 shyness, maybe. I mean, I don't want to, you
 11 know, elaborate because I'm not sure.
 12 Q. So in terms of the volume of her
 13 voice when she said "I remember you," did she
 14 say it quietly?
 15 A. Very quietly, almost mumbling into
 16 her throat, I think.
 17 Q. When she said "I don't know this
 18 woman," was she also speaking quietly?
 19 A. Yes, yes.
 20 Q. About how many times would you say
 21 that you spoke with Ms. Cohen regarding the
 22 delivery of your clean clothes?
 23 A. A lot of the times and I have to
 24 look into my calendar but a lot of the times.
 25 Q. Would it be more or less than five

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1 Rolande Cutner 233
 2 clean clothes, is there any other way that
 3 you allege the Lantern Group harassed or
 4 discriminated against you because of your
 5 disability?
 6 A. Yes.
 7 Q. And what other ways?
 8 A. Again, I want to point out that the
 9 Lantern Group being the manager and legally
 10 being the boss of the security guards, I
 11 would tell it is the Lantern Group, but
 12 physically, the security guard were verbally
 13 harassing me.
 14 Q. How did they verbally harass you,
 15 just with regards to your disability?
 16 A. Well, "Lady, you should go to a
 17 nursing home. Why don't you go to a nursing
 18 home. You don't belong here. Fuck you,
 19 lady." And they mimic my accent.
 20 Q. We're just talking about your
 21 disability now.
 22 Who do you recall what security
 23 guard told you that you should go to a
 24 nursing home?
 25 A. The name?

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2 Q. The name or, well, do you recall

3 the name of the security guard who told you

4 that?

5 A. I have no way to know the name.

6 They will never disclose their name. I

7 already told you that.

8 Q. Okay. I have to ask: Do you

9 recall what the security guard looked like?

10 A. Young, tall. He's either Black or,

11 we say in French, light coffee, I mean the

12 skin tone. I don't know how you say in this

13 country, light coffee.

14 Q. Male or female?

15 A. Oh, male, definitely, definitely.

16 Q. Did you ever see the security guard

17 again after that incident?

18 A. No, it's a different. Almost I

19 would say, I mean I would say almost every

20 week or almost every two weeks, I mean they

21 are different. No, I cannot say of one

22 specific person. They are different people.

23 They are generally very, very obnoxious.

24 Q. Other than this comment about the

25 nursing home, did any of the security guards

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1 Rolande Cutner 236

2 ofT, coffee and milk skin tone. I cannot

3 tell.

4 Q. But it was a different security

5 guard than the other one?

6 A. Yes.

7 Q. Did any other security guards make

8 a similar comment to you other than the two

9 that you've already mentioned?

10 A. I cannot recall now but I can, you

11 know, try to recall.

12 Q. You say in Paragraph 162 and again

13 in Paragraph 165 that you suffered a serious

14 injury as a proximate result of this

15 discrimination. What injuries did you

16 suffer?

17 A. Again, you have to understand that

18 I have a mess, multiple sclerosis, and it's

19 related to the MS.

20 When you are extremely upset you

21 have a tendency to fall, you miss your step

22 and you fall, and the more upset you become

23 the more fall you experience, the more

24 falling incidents you experience. So I would

25 say being totally upset I would go out the

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1 Rolande Cutner 235

2 or anyone from the Lantern Group ever make

3 any comments with regard to your disability

4 that you feel are harassment?

5 A. Yes.

6 Q. And what other comments were made?

7 A. Like, I mean regarding to my, the

8 way I walk, the way I proceed. Things like

9 that.

10 Q. What was said about the way that

11 you walk?

12 A. Same thing: "You don't belong

13 here." Same thing: "Why don't you go to a

14 nursing home." Things of nature, of that

15 color.

16 Q. Was this the same security guard or

17 was it different?

18 A. No, different.

19 Q. Do you recall the name of the

20 security guard?

21 A. No.

22 Q. Do you recall what the security

23 guard that said this looks like?

24 A. Tall, young. Skin color, maybe a

25 little bit coffee and milk. We said caft

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1 Rolande Cutner 237

2 building and fall on the stoop, I mean being,

3 how can I explain that being upset, being

4 totally enraged maybe, I mean you can use

5 this word, "boom," I fall. Then I damage my

6 knees, I mean, no. I would say it's related

7 to the multiple sclerosis disease, let's put

8 it that way.

9 Q. When you say that you damaged your

10 knees, that was as a result of a fall?

11 A. Yes, yes, definitely.

12 Q. Did you obtain medical treatment

13 for the damage done to your knees?

14 A. No, because I fall so many times I

15 would be to see the doctor almost every day

16 if I fall.

17 Q. Other than what you've already

18 testified to, is there any other way in which

19 you believe the Lantern Group harassed or

20 discriminated against you just because of

21 your disability?

22 A. Can you repeat again?

23 Q. Sure.

24 Other than what you've already

25 testified to, is there any other way, is

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1 Rolande Cutner 238

2 there any other manner in which you believe

3 that the Lantern Group discriminated against

4 you or harassed you on the basis of your

5 disability?

6 A. It would be only on those incidents

7 but repeatedly months after months after

8 months. That type of incident.

9 Q. How often -- I know we discussed

10 the clean clothes -- how often did the

11 security guards make comments to you about

12 your disability?

13 A. Over the two years period?

14 Q. Yes.

15 A. It's difficult for me to pinpoint

16 but over two years period, let's say, maybe

17 ten times, you know, to be reasonable.

18 Q. Were all of the comments that were

19 made similar to the ones that you testified

20 about, about going to a nursing home?

21 A. Yes.

22 Q. So all ten of the comments were

23 saying that you should go to a nursing home;

24 is that correct?

25 A. This is what I understood. Let's

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2 or because he felt you should be in a nursing

3 home?

4 A. Because I am disabled, because I am

5 old. I am disabled, I belong in a nursing

6 home which is extremely humiliating when you

7 are fighting for your life and to try to be

8 in society, so that's humiliation.

9 Q. But why do you think that he was

10 inferring that you should be in a nursing

11 home as opposed to saying that you should be

12 in a nicer building?

13 A. I have no idea except that I am

14 disabled. It is true.

15 Q. He said that you were cheap but he

16 didn't specifically say that you should be in

17 a nursing home or anything specific about

18 your disability; is that correct?

19 A. No, I would not say it like that.

20 I would say because I am old, because I am

21 disabled I should go to a nursing home and if

22 I am in this, this SRO is because I am,

23 quote, unquote, "cheap."

24 Q. Did he say those words to you or is

25 that what you understood his words to mean?

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1 Rolande Cutner 239

2 say, quote, unquote, I don't belong there.

3 Oh, and I remember another one related to the

4 fact that I don't belong there, you know.

5 Another guy said, "You are cheap,

6 you are a cheapee." I remember that he was

7 trying to tell me and that was also related

8 to the going to a nursing home.

9 The way I understood it, you know,

10 "you are cheap, you are cheapee," something

11 related to that. And I what I understood is

12 because you are so, quote, unquote "cheap,"

13 you will not go to a expensive hotel because

14 of some reason it's a SRO, you stay there

15 because you are yourself cheap. It was

16 something related to that because the

17 St. Louis is the SRO and like it was

18 extremely humiliating to me is that I

19 selected to be in SRO because I am cheap.

20 Q. Why did you understand that to mean

21 that he was telling you that you should be in

22 a nursing home?

23 A. Why I understand?

24 Q. What gave you the impression that

25 he was saying that because of your disability

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1 Rolande Cutner 241

2 A. No. Cheap, cheap, cheap.

3 Q. What you just said about the

4 nursing home, did he say those words to you

5 or is that your understanding of what he said

6 to you?

7 A. I mean, what kind of question is

8 that? Anybody, -- if I, you, Melissa,

9 somebody tell you why don't you go in a

10 nursing home, you would say wait a minute

11 now, do I look like a old, broken lady, no, I

12 am a, Melissa, I am not an old and broken

13 lady. You would be extremely humiliated so

14 it's the same thing if somebody tell me go to

15 a nursing home.

16 Q. Well, I'm not asking you how you

17 feel; I'm asking because you testified that

18 he said that you were cheap; that's correct?

19 A. This is it.

20 Q. He said the words "you're cheap" or

21 "cheapee"?

22 A. Yes.

23 Q. And did he also use the words

24 "you're old and disabled" when he --

25 A. No. You are asking me what, why he

<p style="text-align: right;">Page 242</p> <p>1 Rolande Cutner 242</p> <p>2 say that and my answer is probably because I</p> <p>3 am not in his brain probably because it is</p> <p>4 true, I am old and because I am disabled but</p> <p>5 again, probably, I should say probably</p> <p>6 because I am not in his mind I am not in his</p> <p>7 brain. I am not sitting inside his head.</p> <p>8 Q. Now, the other two security guards</p> <p>9 that you referenced earlier, I just want to</p> <p>10 clarify because I'm not sure, I just want to</p> <p>11 make sure that I understand.</p> <p>12 You said that the other two</p> <p>13 security guards that you already described</p> <p>14 said to you, "you don't belong here," is that</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Now, did they use the words</p> <p>18 "nursing home" to you?</p> <p>19 A. Yes, definitely nursing home. Yes.</p> <p>20 Q. Both. Did they both use the words</p> <p>21 "nursing home?"</p> <p>22 A. This is what I hear.</p> <p>23 Q. You heard them use the words</p> <p>24 "nursing home?"</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 243</p> <p>1 Rolande Cutner 243</p> <p>2 Q. Other than the falling that you</p> <p>3 said you suffered because you were upset, are</p> <p>4 there any other injuries that you allege that</p> <p>5 you suffered as a result of the disability</p> <p>6 discrimination?</p> <p>7 A. I would say specifically and I</p> <p>8 would say the soul, your soul; your injury to</p> <p>9 your soul. See, how do you say in French, we</p> <p>10 say injury to the soul, you see. It's like</p> <p>11 you are so upset you are losing confidence in</p> <p>12 yourself because let me explain a little bit</p> <p>13 because that is inside of me.</p> <p>14 I am fighting to stay alive, I am</p> <p>15 fighting to go to work, I am fighting not to</p> <p>16 get in a wheelchair so I certainly not need</p> <p>17 somebody to tell me "you are cheapee, why</p> <p>18 don't you go to a nursing home, you don't</p> <p>19 belong here."</p> <p>20 It destroy me inside because I'm</p> <p>21 fighting, I am a fighter. I'm not a crying</p> <p>22 baby and I am humiliated and yes, it is an</p> <p>23 injury to my soul, let's put it that way.</p> <p>24 Q. Did you ever seek treatment from a</p> <p>25 mental health professional regarding your</p>
<p style="text-align: right;">Page 244</p> <p>1 Rolande Cutner 244</p> <p>2 injury to the soul or your emotional</p> <p>3 distress?</p> <p>4 A. No, you mean like to go see a</p> <p>5 psychiatrist?</p> <p>6 Q. Right, right.</p> <p>7 A. No, I did not go to see a</p> <p>8 psychiatrist.</p> <p>9 Q. Did you receive any treatment from</p> <p>10 a medical professional, like your general</p> <p>11 doctor, regarding any of the emotional</p> <p>12 distress that you allege that you suffered?</p> <p>13 A. In France, yes; not in this</p> <p>14 country.</p> <p>15 Q. Did your doctor prescribe you any</p> <p>16 medication for the emotional distress that</p> <p>17 you were suffering?</p> <p>18 A. No.</p> <p>19 Q. Other than the emotional distress</p> <p>20 and the falling, are there any other injuries</p> <p>21 or damages that you allege that you suffered</p> <p>22 as a result of the allege disability</p> <p>23 discrimination?</p> <p>24 A. This is related, again, we go back</p> <p>25 to the cleaning clothes. This is related to</p>	<p style="text-align: right;">Page 245</p> <p>1 Rolande Cutner 245</p> <p>2 that because my office is in Wall Street in</p> <p>3 the financial district. Because everybody is</p> <p>4 well dressed, clean, looking good because I</p> <p>5 want to be like everybody else.</p> <p>6 The fact that I cannot have my</p> <p>7 cleaners is, yes, it is an injury to the</p> <p>8 soul. Also because I feel humiliated in my</p> <p>9 office and running into the field to lose my</p> <p>10 office if I don't arrive clean, beautiful</p> <p>11 like everybody else in that office.</p> <p>12 It would be different if I were</p> <p>13 working in a factory back in Ohio or</p> <p>14 Michigan. It's not that. And I am on Wall</p> <p>15 Street and everybody is well dressed so yes,</p> <p>16 the injuries is to the soul.</p> <p>17 Q. Why are you afraid of losing your</p> <p>18 office?</p> <p>19 A. Because everybody is professional,</p> <p>20 well dressed up and energetic type of people</p> <p>21 and I want to belong to that group of people.</p> <p>22 Q. You're renting office space; is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have a lease for your</p>

<p style="text-align: right;">Page 246</p> <p>1 Rolande Cutner 246</p> <p>2 office?</p> <p>3 A. No, I have an agreement with the</p> <p>4 owner of the company, KVB Partners. I have</p> <p>5 an agreement with them.</p> <p>6 Q. Now, are you claiming that if you</p> <p>7 arrived at the office without clean clothes</p> <p>8 that they would do away with your agreement</p> <p>9 with them?</p> <p>10 A. You bet they would.</p> <p>11 Q. Why do you think that they would do</p> <p>12 that?</p> <p>13 A. Because in my office the two</p> <p>14 partners they call me -- let me give you an</p> <p>15 example, it's more easy if I give you a real</p> <p>16 example:</p> <p>17 It's 10 o'clock in the morning,</p> <p>18 people coming from France, president of</p> <p>19 corporation. They sit in the conference</p> <p>20 room, they talk about the project and</p> <p>21 investment in New York or throughout America</p> <p>22 come up with a legal question.</p> <p>23 Those presidents or vice presidents</p> <p>24 are French, come up with a legal question and</p> <p>25 one of the partners at KVB Partners would</p>	<p style="text-align: right;">Page 247</p> <p>1 Rolande Cutner 247</p> <p>2 say, oh, wait a minute, we call our, quote,</p> <p>3 unquote, "in house counsel" and then call on</p> <p>4 the telephone, "Rolande, would you come."</p> <p>5 So I walk to the big conference</p> <p>6 room, I am well dressed, my hair are fixed, I</p> <p>7 have my makeup. I walk in, they say this is</p> <p>8 a French specialist whatever, who is going to</p> <p>9 explain to you and I deliver an advice, a</p> <p>10 legal advice on French law or New York law so</p> <p>11 I deliver this advice.</p> <p>12 If I arrive smelling bad, not</p> <p>13 fixed, dirty clothes, they would say,</p> <p>14 "Rolande, you see the door, the door is over</p> <p>15 there and you immediately leave. We don't</p> <p>16 need you."</p> <p>17 Q. What kind of company is KVB?</p> <p>18 A. It's tax preparers, financial</p> <p>19 adviser, accounting services. They provide</p> <p>20 also all kinds of services for foreign</p> <p>21 corporation coming in New York.</p> <p>22 Let me explain to you. A little</p> <p>23 bit complicated but I explain to you: Some</p> <p>24 corporations in Europe, they want to test the</p> <p>25 waters in New York. They don't want to enter</p>
<p style="text-align: right;">Page 248</p> <p>1 Rolande Cutner 248</p> <p>2 a lease for two years or five years or, you</p> <p>3 know, whatever, because they want to test the</p> <p>4 waters. They going to make environment for</p> <p>5 six months so what they would do, they will</p> <p>6 go to KVB, have an agreement to have an</p> <p>7 office for six months, let's say, and they</p> <p>8 work, or they invest or they look at the</p> <p>9 market for six months. Then if they</p> <p>10 understand that they product has no</p> <p>11 possibility to develop in America, they go</p> <p>12 back to France. And the other way, if they</p> <p>13 understand or see if the market is welcoming</p> <p>14 their product, they will decide after six</p> <p>15 months to maybe start on a bigger scale.</p> <p>16 So it's very important for those</p> <p>17 foreign corporations, it could be French,</p> <p>18 could be from Istanbul, whatever to have a</p> <p>19 place for six months so KVB provide this</p> <p>20 place with legal advice, CPA accounting</p> <p>21 advice, tax advice, advise them for six</p> <p>22 months so they are very successful at that.</p> <p>23 Q. You mentioned that they might</p> <p>24 sometimes call you in to give legal advice to</p> <p>25 some of their clients.</p>	<p style="text-align: right;">Page 249</p> <p>1 Rolande Cutner 249</p> <p>2 Do they pay you for your services?</p> <p>3 A. No, because I tell you, I have an</p> <p>4 agreement that I am in this office and I</p> <p>5 deliver, I mean I don't like to say free</p> <p>6 legal advice because it's, how would you say</p> <p>7 a, how do you call this agreement when you</p> <p>8 change services -- I deliver legal services</p> <p>9 and in exchange they provide me with an</p> <p>10 office, telephone, fax, scanner, photocopier,</p> <p>11 conference room, desk, whatever. I mean,</p> <p>12 it's an exchange, you see?</p> <p>13 Q. Do they also allow to you conduct</p> <p>14 your own personal business affairs such as</p> <p>15 your work with your own clients in the office</p> <p>16 space?</p> <p>17 A. Yes, and I would have the</p> <p>18 conference room to be able to receive my</p> <p>19 clients if I have clients. This conference</p> <p>20 room would be available to me after 5 o'clock</p> <p>21 because of those before they are using the</p> <p>22 conference room but they say, "Rolande, you</p> <p>23 know you can have the conference room," which</p> <p>24 is really great for me so I can entertain my</p> <p>25 clients, and 5 o'clock is not that too late</p>

<p style="text-align: right;">Page 250</p> <p>1 Rolande Cutner 250</p> <p>2 into the evening.</p> <p>3 Q. Are you alleging that you suffered</p> <p>4 any financial damages as a result of just the</p> <p>5 disability discrimination?</p> <p>6 A. No. I allege that if I lose this</p> <p>7 agreement, I have no money to go and rent an</p> <p>8 office anyplace in Manhattan because it's too</p> <p>9 expensive so if I lose this agreement which</p> <p>10 we, I ask them, I said, "What do you think?"</p> <p>11 And they would say, "Oh, it's \$2,000 a</p> <p>12 month," for instance. So for one year it</p> <p>13 would be 2,000 that they provide me and I</p> <p>14 provide them. Understand?</p> <p>15 It's a very nice agreement but if I</p> <p>16 were to be thrown out on the street tomorrow,</p> <p>17 I could not afford this conference room. I</p> <p>18 could not afford your office. I could not.</p> <p>19 It's too expensive.</p> <p>20 Q. As of today, you're still there?</p> <p>21 A. They did not throw me out, yes.</p> <p>22 Q. As of today you haven't been thrown</p> <p>23 out, as of today?</p> <p>24 A. Yes.</p> <p>25 Q. As of today, have you suffered any</p>	<p style="text-align: right;">Page 251</p> <p>1 Rolande Cutner 251</p> <p>2 financial damages as a result of the alleged</p> <p>3 disability discrimination?</p> <p>4 A. On dollar and cent?</p> <p>5 Q. Have you had any?</p> <p>6 A. Yes. The answer is yes, I suffer</p> <p>7 expenses.</p> <p>8 Q. What expenses?</p> <p>9 A. Let me tell you, it's better I tell</p> <p>10 you like a little story because it's the way</p> <p>11 my mind operate.</p> <p>12 At 4 o'clock, 3:30, the cleaners</p> <p>13 lady called me, "Ms. Cutner, this again, my</p> <p>14 delivery boy was turned away. Would you come</p> <p>15 immediately because the delivery boy leaves</p> <p>16 at 5:00. You have to be there at 4 o'clock</p> <p>17 and the" -- you know, "come and delivery boy</p> <p>18 will come with you."</p> <p>19 So what do I do, I rush uptown from</p> <p>20 Wall Street, boom, and of course I have to</p> <p>21 take a taxi because, you know, it's too late.</p> <p>22 I arrive before 5 o'clock, the lady</p> <p>23 is there, the boy is there. We both walk</p> <p>24 down and I am able to have my clothes.</p> <p>25 So, first of all, I have to leave</p>
<p style="text-align: right;">Page 252</p> <p>1 Rolande Cutner 252</p> <p>2 my office at 4 o'clock; second, I have to</p> <p>3 take a taxi because it's late and I have to</p> <p>4 rush and no money. I take the subway and</p> <p>5 because I am disabled, I have the \$1 subway</p> <p>6 ride to go back to my hotel room and then I</p> <p>7 have \$22 of taxi because I have to rush.</p> <p>8 Q. Each time that you took a taxi from</p> <p>9 your office on Broad Street to your building</p> <p>10 on the upper west side it would cost you \$22?</p> <p>11 A. It's more or less. It's \$22, \$23.</p> <p>12 Generally it's 22.</p> <p>13 Q. When you had to leave your office</p> <p>14 at 4:00, did you ever have to cancel</p> <p>15 appointments?</p> <p>16 A. Sometimes.</p> <p>17 Q. When you cancel the appointments,</p> <p>18 were you able to reschedule them?</p> <p>19 A. Sometimes. I would cancel just for</p> <p>20 the time and I would say, "Excuse me, I have</p> <p>21 an emergency. I be back at 6:30." Because</p> <p>22 on the way back I would, you know,</p> <p>23 immediately go back to my office and tell the</p> <p>24 client let's put back the appointment at 6:30</p> <p>25 or 7:00, and generally my client would agree</p>	<p style="text-align: right;">Page 253</p> <p>1 Rolande Cutner 253</p> <p>2 and said, you know, "I have an emergency,"</p> <p>3 you know, "excuse me." I would work around</p> <p>4 the schedule or the next day.</p> <p>5 Q. Was there ever an instance where</p> <p>6 you had to cancel an appointment and you were</p> <p>7 not able to reschedule it?</p> <p>8 A. Yes.</p> <p>9 Q. About how many times has that</p> <p>10 occurred?</p> <p>11 A. Maybe two or three times because</p> <p>12 the person was taking a plane to go back to</p> <p>13 Paris at 7 o'clock p.m. at Kennedy, could not</p> <p>14 come back or could not come back the next</p> <p>15 day.</p> <p>16 Q. And these two or three times you</p> <p>17 weren't able to reschedule, had the meeting</p> <p>18 taken place, would you have been paid for the</p> <p>19 meetings?</p> <p>20 A. Yes, I would charge consultation</p> <p>21 fee.</p> <p>22 Q. How much is the consultation fee?</p> <p>23 A. \$375.</p> <p>24 Q. If you missed three meetings, so</p> <p>25 then would your damages be three times 375?</p>

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2 A. Yes, I would say, reasonable.

3 Q. Approximately how many times did

4 you have to take the taxi instead of the

5 subway to get to the cleaners?

6 A. A lot. A lot of the times.

7 Q. It was each time that the Lantern

8 Group rejected the delivery that you would

9 have to take a taxi?

10 A. Yes, because what happens is that

11 the lady at the Maxene Cleaners shop, she's

12 nice and if she sends the boy at 2 o'clock in

13 the afternoon, sometimes, you know, instead

14 of calling me, she would say "let's try

15 again" because also she would say "let's try

16 again at 3:00," so she send back again the

17 delivery boy and sometimes they accept it;

18 sometime they turn it away again the delivery

19 boy.

20 It's, you cannot tell. There is no

21 specific day but sometimes she would tell me,

22 you know, "Ms. Cutner, I had to send three

23 times the delivery boy before and then accept

24 so I did not call you." So sometimes she,

25 she really tried to help me. She, you know,

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2 of discrimination targeting individuals on

3 the basis of their ethnic origin; are you

4 alleging that anyone other than you was

5 targeted on the basis of their ethnic origin?

6 A. I think I had a tenant talking to

7 me who said that he was badly treated because

8 he's an African from one of the countries,

9 African countries, I don't know, I don't

10 remember if it was Cameroon or I could not

11 tell but he talked to me in French and he

12 felt he has been badly treated. I have to

13 recall but I remember the guy telling me

14 that.

15 Q. Do you recall his name?

16 A. I have to look at my book. Right

17 now I don't recall but if I look into my note

18 maybe I find his name.

19 Q. In what way did he tell you he was

20 treated badly?

21 A. I think that he said that because

22 of ethnic origin like he was Cameroon or

23 Mali, I mean, I cannot remember but it was an

24 African country.

25 Q. Did he say what the Lantern Group

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1 Rolande Cutner 255

2 send two, three times and she would call me

3 willing, that also she told me, "I called

4 you, I send my delivery boy two, three times

5 they turn your delivery boy away and so I

6 have to call you."

7 Q. Would you say that you had to take

8 a taxi once a month or more than that?

9 A. More than that.

10 Q. About once a week, would that be

11 accurate?

12 A. It depends. As I said, we would

13 say, reasonably over the years, if we say

14 once a month, it's more than that, you know,

15 and but I cannot pinpoint of the time because

16 I don't write it down in my book, you see,

17 but let's be reasonable, at least twice a

18 month. Be reasonable, being reasonable,

19 twice a month.

20 Q. I want you to take a look at the

21 next page, Page 56.

22 A. (Witness complies.)

23 Q. You say in Paragraph 169, the fifth

24 line of that paragraph, you say that such

25 activities constitute a pattern and practice

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1 Rolande Cutner 257

2 was doing to him that he felt was poor

3 treatment?

4 A. He did not elaborate but he was

5 telling me he was treated badly.

6 Q. Did anyone else ever tell you that

7 they believe that they were treated badly

8 because of their ethnic origin?

9 A. I just remember this conversation

10 with this young man and I'll try to find his

11 name.

12 Q. In what way do you believe that you

13 were treated differently from other tenants?

14 A. Also, you know, let's talk about my

15 accent because I have a French accent so I

16 can pronounce the T-H, it goes like a Z.

17 It's difficult for me. Also, the R because a

18 French R is, for instance, if I say "where is

19 the rest room people," don't understand what

20 I say. I have to say "where is the ladies

21 room" because if I say rest room because of

22 the French R, people don't understand me.

23 And this guy, I believe from the

24 Lantern Group, Felix, I think his name is

25 Felix, he always mimic my accent and make me

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 2 feel bad regarding the fact that I cannot
 3 pronounce Z. He would say "go Z" to mimic my
 4 accent.
 5 Q. And on how many occasions did Felix
 6 mimic your accent?
 7 A. Well, I remember two times that I
 8 really was furious but maybe other times or
 9 he was laughing, you know, and I know, I
 10 mean, the French accent is maybe laughable.
 11 He was laughing uncontrollably because I was
 12 so mad and, of course, I do understand that
 13 the French accent can make people laugh but
 14 to me is, again, regarding humiliation. What
 15 I'm trying to say is that he was not mean, he
 16 was, quote, unquote, he was just laughing,
 17 laughing at me or at my accent, to be fair.
 18 I'm trying to be fair.
 19 Q. Is there any other way in which you
 20 allege that the Lantern Group treated you
 21 differently because of the fact that you are
 22 French?
 23 A. Yes. You know, they would say,
 24 "Why don't you return to your own country,"
 25 that I remember. I was humiliated,

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1 Rolande Cutner 260
 2 that in my memory.
 3 Q. Is there any other way in which
 4 other than what you've already testified to,
 5 is there any other way in which you feel you
 6 were treated differently from the other
 7 tenants in the building?
 8 A. Yes, I mean, you know, the fact
 9 that they make fun of my accent, nobody has
 10 the heavy accent that I have, so of course I
 11 felt totally treated differently because of
 12 that.
 13 Q. On the next page in Paragraph 171
 14 you say that as an approximate result of the
 15 discriminatory actions because of your
 16 national origin you suffered economic loss;
 17 what was the economic loss that you suffered?
 18 A. This, maybe I use the wrong word
 19 but this is the, you know, the losses I spend
 20 this money in taxis that I would not spend if
 21 it were not in this situation. I would take
 22 the subway. I would never take a taxi.
 23 Q. So it's the same that you already
 24 testified about, the same economic damages?
 25 A. Yes. It's money coming out of my

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1 Rolande Cutner 259
 2 specifically because I am an American citizen
 3 and it's not a reason because I am, I have an
 4 accent and I can't pronounce the T-H and I
 5 pronounce it Z that I should receive unsubtle
 6 remarks of "why don't you return to your own
 7 country." That, I don't accept that.
 8 Q. I believe you testified last time
 9 that it was a security guard that said that
 10 to you; is that correct?
 11 A. Yes, yes.
 12 Q. Do you recall what the security
 13 guard who said that to you looked like?
 14 A. No.
 15 Q. On how many occasions did a
 16 security guard say to you, "Why don't you
 17 return to your own country?"
 18 A. Once.
 19 Q. Other than what you've testified
 20 to, is there any other way in which you
 21 believe that the Lantern Group discriminated
 22 against you because of the fact that you're
 23 French?
 24 A. I would say, say it's the accent.
 25 This is only specific. I recall it would be

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1 Rolande Cutner 261
 2 pocket, I would say.
 3 Q. Is the mental anguish the same
 4 mental anguish you already testified about?
 5 A. Yes.
 6 Q. What about the deprivation of civil
 7 rights, is there anything other than that you
 8 already testified that you believe was a
 9 deprivation of your civil rights?
 10 A. Yes. I have my newspaper delivery,
 11 we did not talk about that but this is my
 12 right to have my newspaper delivered and
 13 especially it is the New York Law Journal.
 14 Now it is delivered, the New York Law Journal
 15 is delivered to me. I could not have it
 16 delivered. It was thrown on the street and
 17 finally, I ask my office to have permission
 18 to have it delivered into my office. But why
 19 I cannot have my newspaper delivered at my
 20 room or in the hallway, you know, why not?
 21 Why do I have to have delivery in my office?
 22 And same thing goes also for
 23 Federal Express. I mean, let's say Federal
 24 Express, newspaper, the New York Law Journal,
 25 the cleaners, you know, I arrange all with my

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1 Rolande Cutner 262
 2 office except for the cleaners. I'm not
 3 going to deliver the cleaners at the office
 4 but the newspaper I arrange to have delivered
 5 at my office. The Federal Express I arrange
 6 to have delivered at my office except, for
 7 instance, I lost my Metro card so I went to
 8 Stone Street and I gave the MTA, a
 9 representative, the address in my office and
 10 the representative said to me, "no, no, no.
 11 We want your address in your home" so I gave
 12 the address 319 West 94th Street, Room 341
 13 and every day I'm asking, "Did you receive
 14 this letter from the MTA, I need my card,
 15 it's very important." Because the MTA said,
 16 "We'll send the card to the residence, not to
 17 office." And I wait and wait and wait and
 18 wait and wait and wait. Never arrive.
 19 So I had to go back to the MTA and
 20 I said, "send it again." So we send it a
 21 second time and every morning I would tell
 22 the security guard, "make sure," you know,
 23 "my card is going to arrive." And finally
 24 the card arrived and I was able to have it
 25 but, I mean, but why do you have to go

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1 Rolande Cutner 264
 2 address because of that and then I said,
 3 "Don't worry, you can deliver at my office."
 4 It was that type of conversation.
 5 Q. What do you mean when you say that
 6 it was thrown in the street?
 7 A. Because I asked, "Where is my
 8 newspaper?" They say, "I don't know."
 9 Q. Who threw it in the street?
 10 A. I don't know, I don't know. I ask.
 11 I ask.
 12 Q. How do you know that it was thrown
 13 in the street, did you see it in the street?
 14 A. No. If it went in the street I
 15 would have picked it up.
 16 Q. Was it that the delivery boy was
 17 told you cannot leave this paper there or was
 18 it that the delivery boy would leave it and
 19 then someone would throw it out?
 20 A. I think, but again, I did not
 21 witness the incident, but I think the
 22 security guard would turn away the delivery
 23 boy for the newspaper. But I think because I
 24 was not a witness.
 25 Q. Do you recall who you spoke to at

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1 Rolande Cutner 263
 2 through all this headache for a simple civil
 3 right that any New Yorker in all New York has
 4 a right to have the mail delivered normally
 5 and the newspaper delivered normally? This
 6 is my complaint.
 7 Q. Now, with regard to the newspaper,
 8 was delivery of the newspaper rejected or was
 9 it that the newspaper was delivered to the
 10 building but at some point after it was
 11 delivered, the newspaper got lost or
 12 something along those lines?
 13 A. I think the newspaper issue was
 14 rejected by the security guards.
 15 Q. Why do you believe that it was
 16 rejected?
 17 A. Because I called the New York Law
 18 Journal to complain and they said that they
 19 talked to the delivery services and that at
 20 the building they were always rejected or
 21 turned out, whatever so they say, "well, we
 22 tried, Ms. Cutner, we tried to deliver but
 23 our guy is rejected or the paper is thrown on
 24 the street," I mean, "so we stopped."
 25 So they stop to deliver at this

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 2 the New York Law journal that told you?
 3 A. No, no. I just spoke on the
 4 telephone and themselves say first, "wait, we
 5 are going to investigate." And they did
 6 investigate with their own system of delivery
 7 in this neighborhood that I told them to call
 8 me the next day or something like that
 9 because themselves, they did not know what's
 10 going on with the delivery.
 11 Q. And where did you get the phone
 12 number to call New York Law Journal?
 13 A. On the paper.
 14 Q. Was there a specific department
 15 that you had to call, like description
 16 services or something like that?
 17 A. I think I call the general number
 18 and they would dispatch you to whoever is in
 19 charge of delivery for the subscriber, I
 20 think.
 21 Q. Did this continue after the package
 22 handling policy that is marked as Exhibit C?
 23 A. Let me look at the date.
 24 September 10th. It was before because at
 25 that time on September 10th I arranged to

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1 Rolande Cutner 266
 2 have my newspaper delivered to my office so
 3 it must have been between January to during
 4 that period of time probably because I
 5 remember I arranged to have it delivered.
 6 I was so upset because, you know,
 7 the newspaper is so expensive and it's an
 8 important tool for my work, you see, and
 9 every day -- I have to read it every day so
 10 it's an expensive newspaper and I was very
 11 upset.
 12 Q. I just want to clarify: At the
 13 time of the date listed on Exhibit C,
 14 September 10, 2007, you were already
 15 receiving your New York Law Journal at your
 16 office?
 17 A. Yes, yes. I already because we had
 18 this business dispute before September 10th,
 19 yes.
 20 Q. At the time of this package
 21 handling policy, September 10, 2007, were you
 22 already receiving your Fed Exes at your
 23 office as well?
 24 A. No, at that particular time I know
 25 for sure that I already arrange my, my paper

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1 Rolande Cutner 268
 2 times.
 3 Q. Do you recall whether a signature
 4 was required for the packages?
 5 A. Well, when I went to the center, I
 6 signed, yes, and I even had my passport.
 7 That I remember. I had my passport and I
 8 signed because I want -- because you
 9 understand that I don't drive because of my
 10 disease so I don't have driving license.
 11 However, I have a passport so I would present
 12 myself with a passport and say "yes, I am
 13 Rolande Cutner" and I sign and pick up my
 14 packages and my UPS boxes, whatever but now,
 15 I have everything at the office. I learned
 16 my lesson.
 17 Q. When was the last time you had a
 18 UPS or FedEx package rejected?
 19 A. Probably, let's say, maybe April
 20 2007 or, I mean, I cannot pinpoint the exact
 21 date but it's between the period January to
 22 the Summer.
 23 Q. January of 2007?
 24 A. Yes.
 25 Q. When was the first time you

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1 Rolande Cutner 267
 2 to be delivered in my office.
 3 Q. Do you recall whether you already
 4 arranged for your Fed Exes to be delivered to
 5 your office?
 6 A. No, no, not that particular date.
 7 Q. No, you don't recall or no, it
 8 happened after September 10th?
 9 A. We are talking about what, now?
 10 Q. The Fed Exes.
 11 A. No, I don't recall.
 12 Q. Were your Fed Exes rejected or were
 13 they just lost or damaged once they were
 14 delivered?
 15 A. I think they were rejected and I
 16 had, yes, I remember not only FedEx but UPS
 17 and that I remember I had to go to the UPS to
 18 take my packages. That I remember. I went
 19 to the UPS center. That I remember
 20 specifically that, yes.
 21 Q. On how many occasions were you
 22 FedEx or UPS packages rejected?
 23 A. Well, let's take from the January
 24 2007 until let's take until the
 25 September 10th, I went maybe two or three

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1 Rolande Cutner 269
 2 remember having one of your packages
 3 rejected?
 4 A. In April.
 5 Q. April of '07?
 6 A. 2007, yes; it was the UPS.
 7 Q. When did the Metro card incident
 8 occur?
 9 A. That was in November 2007 but not
 10 sure. I have to verify but probably November
 11 2007.
 12 Q. Did you ever learn why you didn't
 13 receive the first Metro card in the mail?
 14 A. I went to complain to the MTA on
 15 Stone Street and they said no, no, no, it's
 16 not our fault. We have sent the Metro card
 17 to your residence address. This is the rule
 18 and they said they had sent it.
 19 Q. Did they have any record of your
 20 Metro card being rejected or withdrawn?
 21 A. Probably what we could do is to ask
 22 MTA when was it that I had it renewed because
 23 probably they know that through the MTA
 24 office they know that because I remember this
 25 discussion about whether or not I could have

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1 Rolande Cutner 270
2 delivery to my office and they said "no, no,
3 no. It has to be your residence," so maybe
4 if you would ask MTA they probably have that
5 in their archive. I mean, because I remember
6 they told me, "we send it to your residence."
7 It was adamant. The representative was
8 adamant.
9 Q. Did the representative say whether
10 the Metro card had actually been delivered to
11 your residence or just that he sent it?
12 A. He said it sent it to my residence.
13 That was a rule. That's what he said. I
14 follow the rule because I said "send it to my
15 office." He said "no, this is the rule.
16 It's a residence." So what can you do?
17 Q. Other than what you've already
18 testified to, is there any other way in which
19 you believe your civil rights have been
20 violated other than what you've already told
21 me about?
22 A. I mean to me the delivery dispute
23 is so important; it is the newspaper,
24 packages, FedEx. It's my life so on that
25 particular light I would say, say my civil

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1 Rolande Cutner 272
2 one year and after one year, if the Lantern
3 Group say out, we don't give you a lease
4 after one year, I be thrown on the street
5 because I cannot pay more than \$500 a month
6 and I am terrified of that because the lease
7 will be contractual and if the Lantern Group
8 say "Ms. Cutner, we don't renew your lease,"
9 how am I going to find a studio for \$500. I
10 don't know, I'm scared because if the Lantern
11 Group give me a lease, it will be a one-year
12 lease and then they can always decide you are
13 out and I want to point out this because this
14 scare me.
15 Let's look at Exhibit C: "Note,
16 this policy is currently applicable and
17 management reserves the right to revise or
18 change it as appropriate upon the review."
19 This sentence is very scary to me.
20 Let me explain to you why. Because the
21 Lantern Group always renege, always has been
22 my experience that they renege on the
23 agreement and they always say, the Lantern
24 Group say, "I reserve the right to change the
25 policy" and if they give me a lease for one

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1 Rolande Cutner 271
2 right, the right to live in society and
3 receive your mail at your residence has been
4 violated.
5 Q. You also referenced the prospective
6 loss of your room in the SRO hotel; in what
7 way, other than what you've testified to last
8 time, is there any other reason why you
9 believe that you were faced with prospective
10 loss of your room?
11 A. Yes.
12 Q. Why do you believe that you were
13 faced with the loss of your room?
14 A. Because being a permanent tenant in
15 the SRO I pay \$500 every months and that
16 amount of money I can pay. Now, I know the
17 Lantern Group said "don't worry, we renovate
18 the building and you will have a studio and
19 you go under rent stabilization law so
20 Ms. Cutner, don't worry."
21 That's the position of the Lantern
22 Group and I said wait a minute, because if I
23 have a lease with the Lantern Group, right
24 now, I don't have a lease, I am a permanent
25 tenant, if I have a lease, the lease will be

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1 Rolande Cutner 273
2 year, they would say "Ms. Cutner, you knew
3 that, we reserve the right to change," "Whop,
4 boom."
5 Q. This note is with regard to the
6 package handling policy; is that correct?
7 A. Yes, yes but it is always the same
8 thing with different instances and I have to
9 look into my file but it's always the fact
10 that the Lantern Group say yes and then they
11 reserve the right to change and that is
12 scary. It's a very scary.
13 Q. Who from the Lantern Group told you
14 that after the renovation you would have a
15 lease instead of being a permanent tenant?
16 A. I think the Lantern Group issue and
17 again, I don't have my file in front of me,
18 but the Lantern Group issue a policy and say
19 "don't worry to the permanent tenants" not
20 only me but I believe they say "don't worry.
21 When the renovation will be completed you
22 will have a lease." I believe and again, I
23 have to look into my file but I think the
24 Lantern Group at one point says that to
25 everybody, "you will have a lease."

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1	Rolande Cutner 274	1	Rolande Cutner 275
2	Q. Did anyone from the Lantern Group	2	Felix or the other guy, this Mr. Chabab,
3	ever tell you that your lease might not be	3	C-H-A-B-A-B, I think is the one, either Felix
4	renewed at the end of the leased term?	4	or this Mr. Chabab one day said, "Well, you
5	A. You mean talking to?	5	have to move to the Huntermoon building to be
6	Q. Yes.	6	relocated." It's some kind of sentence like
7	A. No. I read it in, as I said, I	7	that to be relocated to the Huntermoon
8	read it in this policy and again, I don't	8	building which belong to the Lantern Group.
9	have the paper in front of my eyes but	9	Q. The relocation of Huntermoon was
10	according to my memory, I am looking at "we	10	for while the renovations were taking place;
11	reserve the right to change the policy" and I	11	is that correct?
12	immediately start to feel because of that	12	A. I understood that.
13	sentence, you see.	13	Q. Did they ever tell you that you
14	Q. Do you still have a copy of this	14	wouldn't be moved back to St. Louis Hall
15	policy that was given out?	15	after the renovations were completed?
16	A. I have to look. I don't know. I	16	A. That I have to look at this paper
17	have to look through my file.	17	because I think they say then you go back to
18	Q. I'm going to ask for the production	18	the St. Louis Hotel which is going to be a
19	of the policy that you just referred to.	19	studio apartment. I think it says that in
20	A. If I find it, I send it to you.	20	the policy but I don't recall exactly but I
21	Q. Did anyone at the Lantern Group	21	think it says that, "You move to the
22	ever tell you that you might lose your room?	22	Huntermoon and then after you go back to the
23	A. It was at one point if my memory is	23	hotel."
24	correct, I don't know if it is Felix or this	24	MS. HOLTZER: I'm going to
25	lady Harriet Cohen, I don't remember, or	25	have this mark as Exhibit D.

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1	Rolande Cutner 276	1	Rolande Cutner 277
2	(One-page document was	2	and 11 temporary tenants and 85 vacancies; do
3	marked Defendants' Exhibit E	3	you see where it says that?
4	for identification, as of	4	A. Fifty-three permanent tenants, is
5	this date.)	5	that where you are looking?
6	Q. Ms. Cutner, I'm going to you what	6	Q. Yes.
7	has been marked as Exhibit E (handing).	7	A. I see.
8	Have you ever seen this document	8	Q. There are more vacancies in the
9	before?	9	building than actual tenants; is that
10	A. I don't recall but no, I don't	10	correct?
11	recall.	11	A. I don't know.
12	Q. Is this the policy that you were	12	Q. It says there that there are 85
13	just referring to?	13	vacancies and there are 64 people living in
14	A. No, it's not, no, because the one I	14	the building?
15	recall it was a question that we would be	15	A. Right.
16	moved to the Huntermoon building which also	16	Q. Isn't it correct that there are
17	belonged to the Lantern Group and I don't see	17	more vacancies than there were tenants in the
18	it. I don't see it here but if I find the	18	building?
19	paper, I certainly show it to you.	19	A. I don't know that because, as I
20	Q. This document was provided to us	20	said, there is a lot of the, on the elevator,
21	along with your automatic disclosures so you	21	of Mexicans going up and down, going up and
22	had provided us with this document; do you	22	down. My answer is I don't know if there are
23	see where it says what is there now?	23	85 vacancies.
24	A. Point 1, Section 1.	24	Q. Do you have any reason to believe
25	Q. Is says that 53 permanent tenants,	25	that there are less than 85 vacancies?

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1 Rolande Cutner 278
 2 A. I have no idea for the number
 3 because I see people up and down the
 4 elevator.
 5 Q. Do you have any reason to believe
 6 that there are more than 11 temporary
 7 tenants?
 8 A. Again, I don't know.
 9 Q. Do you have any reason to believe
 10 that there are more than 53 permanent
 11 tenants?
 12 A. That number I don't know because I
 13 talked to some tenants who said to me I am a
 14 permanent tenant so when I talk to them and
 15 they say I am a permanent tenant, I say okay
 16 but I cannot say I did not, you know, count
 17 53. I don't know what my answer is. I don't
 18 know.
 19 Q. Now, you testified previously at
 20 your first deposition that a representative
 21 from the Lantern Group had told you that the
 22 building had some financial difficulties; is
 23 that correct?
 24 A. Yes.
 25 Q. Wouldn't the fact that there are 85

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1 Rolande Cutner 280
 2 elevator who are Mexican, who don't speak a
 3 word of English and if I talk to them in
 4 Spanish because I know two or three words,
 5 they would answer me in Spanish so the only
 6 thing I can say, they were up and down the
 7 elevator so they probably live there.
 8 Q. And couldn't they be one of the 11
 9 temporary tenants or one of the 53 permanent
 10 tenants?
 11 A. I have no idea.
 12 Q. But if a room is vacant and there's
 13 nobody living in the room, doesn't that mean
 14 that the Lantern Group isn't collecting rent
 15 for that room?
 16 A. Yes, but I don't know. I have no
 17 way to know their accounting records but I
 18 know that I confront, what is his name, Rafal
 19 Markwat.
 20 Q. Mr. Markwat?
 21 A. M-A-R-K-W-A-T, that's his name, I
 22 confronted.
 23 Q. What did you say to him when you
 24 confronted him?
 25 A. That was because at one point he

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1 Rolande Cutner 279
 2 vacancies in the building contribute to some
 3 of their financial difficulties?
 4 A. I have no idea.
 5 Q. If an apartment is vacant, doesn't
 6 that mean they cannot collect rent for that
 7 apartment if no one is living there?
 8 A. I don't know. I did not look at
 9 their balance sheet. I did not look at their
 10 accountings proceeding. I don't know. I
 11 don't know.
 12 Q. Well, if a room is empty, you know,
 13 if no one is living in a particular room,
 14 doesn't that mean that there's nobody there
 15 to pay rent for the room?
 16 A. Well, if they have a illegal
 17 Mexican immigrants living there and paying
 18 cash, they can say that we have a vacancy and
 19 it is not true so I don't know what the
 20 reasoning is. I don't know.
 21 Q. Well, do you have any reason to
 22 believe that there were 85 vacancies in the
 23 building?
 24 A. As I said, I don't know. I see a
 25 lot of the people go going up and down the

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1 Rolande Cutner 281
 2 said, "Well, if you were paying your
 3 rent," -- no.
 4 I confront him because of the
 5 terrible state of the building -- no repairs,
 6 C violation, whatever, and he said, Well, if
 7 you were paying your rent, we would not be in
 8 this terrible situation."
 9 And I said, "What, I pay my rent
 10 every month." I mean, I pay every six
 11 months. I deliver \$3,000. "Don't tell me
 12 that I don't pay my rent."
 13 Q. You testified previously that you
 14 don't know whether the other tenants were
 15 paying their rent?
 16 A. Yes, I don't know about that.
 17 Q. Do you see under the bullet where
 18 it says all 53 existing tenants, do you
 19 understand that to mean all the 53 tenants
 20 above?
 21 A. I understand.
 22 Q. Does it indicate the Lantern Group
 23 intends for you to still live there after the
 24 renovation?
 25 A. I say that it reflect that but for

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1 Rolande Cutner 282

2 one year.

3 Q. Where does it say for one year?

4 A. It will be a lease, this is what I

5 understood. It will be a one-year lease.

6 Q. So it's your understanding that it

7 was for a term?

8 A. Yes, it was my understanding that

9 it was one-year lease, right. Let's say

10 that. That is what I understood.

11 Q. Then do you see where it says

12 Point 6, "how the renovation plan will impact

13 current tenants?"

14 A. Point 6, "how the renovation plan

15 will impact current tenants."

16 Q. And up the first bullet point it

17 says that "tenants will be moved within the

18 building and a minimum of seven tenants will

19 be relocated to a nearby building."

20 Is that what you are referring to

21 that you spoke with one of the tenants and

22 you were told you would be relocated to

23 Huntermoon?

24 A. Oui, oui. Yes, yes.

25 Q. I want to go back to Exhibit A, the

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1 Rolande Cutner 284

2 lines?

3 A. I don't know. I have no idea.

4 Q. Do you know if at the time that

5 they first mentioned the renovation in March

6 of 2006, do you know if at that time they

7 believed that they would not actually be

8 renovating the building?

9 A. I don't know.

10 Q. Do you know whether this was an

11 intentionally false statement that they made

12 in 2006?

13 A. Oh, yes, I believe. I believe it

14 was not true. I believe it was false.

15 Q. Why do you believe that it was

16 false?

17 A. Because they did nothing and they

18 pack the building with those, quote, unquote,

19 illegal Mexican immigrants, whatever; let's

20 say Mexican because when I talk to them in

21 the elevator in Spanish and I said from what

22 country are you from and they say, "I am from

23 Mexico."

24 Let me explain. It's why I felt it

25 was misrepresentation because I am living in

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1 Rolande Cutner 283

2 complaint.

3 Now, in Paragraph 173, you said

4 that the Lantern Group knowingly and

5 intentionally made false statements and

6 admissions of material fact to you regarding

7 the future development of the SRO; what false

8 statement do you allege they made to you?

9 A. Because they say that they will

10 renovate that at the beginning in 2000, in

11 March 2006 they say we be renovating, you

12 know, the rooms and the building and they did

13 nothing. They said, "Don't worry, we will

14 renovate," you know, "and everything will be

15 beautiful." And nothing happened.

16 Q. Do you know whether they still plan

17 to renovate the building?

18 A. I don't know that.

19 Q. Do you know whether the Lantern

20 Group has taken any steps towards renovating

21 the building?

22 A. Nothing that I see but I don't

23 know.

24 Q. Do you know if they have looked for

25 any contractors or anything along those

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1 Rolande Cutner 285

2 this building so every day up and down the

3 elevator I meet Mexicans and, to me, how is

4 the Lantern Group pack this building with

5 Mexicans, whether they are illegal or not, I

6 don't know, but why they would pack people

7 when at the same time they say we are going

8 to renovate? Doesn't make sense so in that

9 particular way I would say they tell lies,

10 they tell anything. Who knows what, what's

11 going on. I would say, you know, because

12 they pack the building with those people.

13 Q. So your basis for believing that

14 the Lantern Group did not intend to renovate

15 the building is because they packed the

16 building with the Mexican residents; is that

17 correct?

18 A. That was one of my understanding or

19 beliefs.

20 Q. Do you have any other reason to

21 believe that the Lantern Group did not intend

22 to renovate the building?

23 A. No, it was related to all this wave

24 of Mexicans coming and with their lamp and

25 their bed and the elevator was, you know,

<p style="text-align: right;">Page 286</p> <p>1 Rolande Cutner 286</p> <p>2 with a lot of the those people coming in with</p> <p>3 their belongings. It was like a, we use the</p> <p>4 word "exodus," you know what I mean, exodus</p> <p>5 with their lamp and their luggage and, you</p> <p>6 know, like an exodus. I would use this word.</p> <p>7 Q. Now, other than the statement in</p> <p>8 March of '06 that the Lantern Group was going</p> <p>9 to renovate the building, are there any other</p> <p>10 statements by the Lantern Group that you</p> <p>11 allege were false?</p> <p>12 A. Well, I would say, you know, that</p> <p>13 that was the main statement that I understood</p> <p>14 was false.</p> <p>15 Q. Can you recall any others, other</p> <p>16 than what you've already testified to?</p> <p>17 A. I cannot recall.</p> <p>18 Q. You also referenced omissions of</p> <p>19 material fact; are you also referring to the</p> <p>20 March '06 statement regarding the renovation</p> <p>21 here?</p> <p>22 A. Yes, yes. It was all, I would say,</p> <p>23 a pattern. Let me use the word, it was a</p> <p>24 pattern to me. It was illogic that you tell</p> <p>25 "Oh, I am demolishing the building, I am</p>	<p style="text-align: right;">Page 287</p> <p>1 Rolande Cutner 287</p> <p>2 going to renovate" and then you see this</p> <p>3 wave, this exodus of people with their</p> <p>4 luggage and their lamp going into the</p> <p>5 building. To me, it did not make sense.</p> <p>6 Q. In Paragraph 174 you say that you</p> <p>7 relied on the statements and omissions; in</p> <p>8 what way did you rely on their statement that</p> <p>9 they were going to renovate the building?</p> <p>10 A. Because, you know, if were true</p> <p>11 that they would renovate quickly the building</p> <p>12 and that we would have a nicer environment to</p> <p>13 live, you know, if it were true, then it</p> <p>14 would have been all right but very quickly I</p> <p>15 was under the impression that they were</p> <p>16 telling lies so that was my feeling, my</p> <p>17 impression.</p> <p>18 Q. You also alleged that you suffered</p> <p>19 damages as a result of your reliance on their</p> <p>20 statement; what damages did you suffer?</p> <p>21 A. Yes, because, you know, if you are</p> <p>22 in this situation that you cannot, you</p> <p>23 believe you are going to live in a nice</p> <p>24 environment then you don't make, how would</p> <p>25 you say, program to look for another</p>
<p style="text-align: right;">Page 288</p> <p>1 Rolande Cutner 288</p> <p>2 apartment, for instance, or to decide, you</p> <p>3 know, where to go to live or whatever to make</p> <p>4 a plan for your immediate future because you</p> <p>5 believe what they say at the very beginning</p> <p>6 and then so then maybe, you know, you would</p> <p>7 lose an apartment at the same price and you</p> <p>8 know a thousand in Manhattan, how the price</p> <p>9 is going up and so you lose your apartment to</p> <p>10 maybe rent at 500 some place else and then</p> <p>11 it's increasing in the rent, in this</p> <p>12 neighborhood and then you lose your apartment</p> <p>13 so then it's lost. It's going to be closed I</p> <p>14 would say.</p> <p>15 Q. Was there any point from March 2006</p> <p>16 where you learned of another place where you</p> <p>17 could have rented for 500 a month?</p> <p>18 A. At the beginning I did not look</p> <p>19 because I figure it's going to be a quick</p> <p>20 renovation and I can stay there so I did not</p> <p>21 look but maybe I should have at that time</p> <p>22 looked. I don't know. I did not. I did not</p> <p>23 look. I did not look.</p> <p>24 Q. Did there come a time where you did</p> <p>25 start looking for another apartment?</p>	<p style="text-align: right;">Page 289</p> <p>1 Rolande Cutner 289</p> <p>2 A. Well, during the year 2007 the</p> <p>3 situation was so terrifying and upsetting to</p> <p>4 me that I was looking to find something at</p> <p>5 500 in Manhattan because for two reasons:</p> <p>6 Since I am disabled, I don't want</p> <p>7 to be in Harlem, in Washington Heights, in</p> <p>8 the Bronx, in Brooklyn, in Queens because of</p> <p>9 the fatigue. I have to be in Manhattan and I</p> <p>10 could not find for \$500 in Manhattan.</p> <p>11 Q. Do you have any reason to believe</p> <p>12 that had you looked in March 2006 you might</p> <p>13 have found something for 500 a month in</p> <p>14 Manhattan excluding Harlem and Washington</p> <p>15 Heights?</p> <p>16 A. Maybe, maybe.</p> <p>17 Q. Other than what you've already</p> <p>18 testified to, were there any other damages</p> <p>19 that you suffered as a result of your</p> <p>20 reliance on the Lantern Group's statements</p> <p>21 about renovation?</p> <p>22 A. No. I am talking about finding</p> <p>23 another place to live for \$500, you know.</p> <p>24 Q. On page 58 you say that the Lantern</p> <p>25 Group made false and misleading statements</p>

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1 Rolande Cutner 290
 2 with regards to violations of New York City
 3 council local law and the New York City
 4 administrative code; who do you allege they
 5 made the false statements to?
 6 A. Well, I would say I recall a
 7 conversation with this manager Rafal Markwat
 8 and again, you have to understand it's a
 9 confrontation situation and I probably, I
 10 don't remember the exact wording but the
 11 substance of the conversation is, if I may
 12 testify to that, substance of the
 13 conversation I was telling him "you are
 14 harassing me, you are, you do harassment.
 15 You harass people like me." And I don't
 16 remember exactly the words but the substance
 17 is, "you will never get a certificate of non
 18 harassment." I said that to him in a
 19 confrontation, "you will never get a
 20 certificate of non harassment" and he answer,
 21 "ha, I don't need to obtain" or he says
 22 owner. I mean, I could not say the exact
 23 words understand but the substance of that,
 24 "I don't need it" or the owner don't need it.
 25 "The owner is a non for profit corporation,

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1 Rolande Cutner 292
 2 from this conversation.
 3 Q. The false and misleading statement
 4 that you are referring to in Paragraph 178,
 5 is that the statement Rafal made to you that
 6 you're referring to?
 7 A. I would say when he said to me, "I
 8 don't need to obtain a, obtain of certificate
 9 of non harassment," I understood because they
 10 were a non-for-profit organization, you see.
 11 Q. What is the false and misleading
 12 statement that you're alleging that the
 13 Lantern Group made?
 14 A. Because if they are not a
 15 non-for-profit organization then if they
 16 don't have the statutes, they don't have the
 17 waiver, you know, they have to obtain a
 18 certificate of non harassment.
 19 Q. Then are you alleging that the
 20 false and misleading statement was made to
 21 the City, who are you saying that the false
 22 and misleading statement was made to?
 23 A. New York City to me.
 24 Q. And do you have any reason to
 25 believe that the Lantern Group is not a non

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 2 lady." So that cut me cold. I am telling
 3 you.
 4 So what I did, I went and this is
 5 why I notice administrative code because you
 6 know, I said okay, maybe I am, I am going to
 7 look at the code. So I went to the New York
 8 law library, I look at the code and I see,
 9 you know, that the non for profit
 10 organizations there is a waiver they don't
 11 have to obtain a certificate of non
 12 harassment so the owner did not have to
 13 obtain a certificate of non harassment so in
 14 that particular sentence Rafal was right, he
 15 said, (impersonating), "we don't need to
 16 obtain a" -- meaning the owner doesn't need
 17 to obtain a certificate of non harassment.
 18 So at that particular point he was right and
 19 I said, "This is incredible. It has a
 20 waiver. That's incredible."
 21 And then I said to myself maybe
 22 he's telling me that to quiet me down but
 23 maybe the owner is not a non for profit
 24 corporation so it start from there that I
 25 start to question the legal status. It start

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 2 profit?
 3 A. This is a tricky situation because
 4 the Clover Developing Corporation lost the
 5 status of non profit organization and they
 6 purchased the building and they lost their
 7 status.
 8 Q. Do you know when they lost their
 9 status?
 10 A. I think they lost it in 1996 but
 11 again, I don't have my file. Again, I have
 12 to look.
 13 Q. Do you know whether the Lantern
 14 Group ever lost their non profit status?
 15 A. I don't know. I don't know. I
 16 have to look at the file.
 17 Q. As far as you know, is the Lantern
 18 Group recognized as a non profit
 19 organization?
 20 A. I don't know.
 21 Q. Do you have any reason to believe
 22 that the Lantern Group is not recognized as a
 23 non profit corporation?
 24 A. Again, I don't know. I have to
 25 look at my file.

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2 Q. You say that you reasonably relied

3 on the statement that the Lantern Group was a

4 non profit organization; in what way did you

5 rely on the statement?

6 A. Rafal told me that; Rafal Markwat.

7 Q. You also allege that you suffered

8 damages; what damages did you suffer as a

9 result your reliance on Rafal's statement?

10 A. Because as I said, if they were non

11 profit organization -- no, let me put it --

12 they are non profit organization and they

13 harass people.

14 Q. Are you alleging that the damage

15 that you suffered was the harassment that you

16 already testified about?

17 A. Yes, yes.

18 Q. Are you alleging that you suffered

19 any financial damages as a result of your

20 reliance on or filing a statement about being

21 a non profit?

22 A. I would say that the damages is the

23 one that I already testified to.

24 Q. Regarding the apartment search,

25 which damages are you referring to, the taxi?

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1 Rolande Cutner 296

2 you buy?

3 A. Well, you have it on your, you

4 know, I don't have it in front of me. You

5 have it. You have the --

6 Q. Interrogatories?

7 A. I think if you look into your file

8 you'll find it.

9 Q. Other than the money that you spent

10 to buy the insect products and the damages

11 that you've already testified about, are

12 there any other financial damages that you

13 allege that you suffered because of Rafal's

14 statement that the Lantern Group is a non

15 profit?

16 A. No, I don't recall.

17 Q. I'm going to direct you to the next

18 page, Page 59. You say that the Lantern

19 group violated your rights to minimize the

20 hardship of your relocation; what hardships

21 have you suffered because of the relocation?

22 A. I don't understand the question.

23 Q. You say that you bring this action

24 seeking injunctive relief damages and cost

25 against the Lantern Group for violation of

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1 Rolande Cutner 295

2 A. The taxi whole thing. The fact

3 that also you know, I am buying every week

4 insect product to kill the bed bug that I buy

5 but that you can see in my disclosure I gave

6 the bill of insect product, I think you have

7 it on my production document, I think to

8 protect me against the bed bug.

9 MS. HOLTZER: Please mark.

10 (Disclosure statement was

11 marked Defendants' Exhibit F

12 for identification, as of

13 this date.)

14 Q. Showing you what is marked as

15 Exhibit F (handing).

16 Do you have to buy the insect

17 products every week?

18 A. Yes, I do, I buy it. I mean I

19 would say every two weeks. It depends, you

20 see.

21 Q. Do you always buy the same brand of

22 insect product?

23 A. Yes, I am satisfied with this

24 insect killer.

25 Q. What is the name of the brand that

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1 Rolande Cutner 297

2 Cutner's rights to minimize the hardship of

3 her relocation during the renovation of her

4 room; what are you referring to in that

5 statement?

6 A. The same thing. I mean, the same

7 damages that I indicated before.

8 Q. So the hardships that you're

9 referring are the hardships that you already

10 testified about?

11 A. Yes, yes.

12 Q. When you say that the Lantern Group

13 is in reality a private developer, what is

14 your basis for this allegation?

15 A. I think somebody told me I was -- I

16 repeat some of the statements from the other

17 permanent tenants like for instance Mr. Chris

18 Santee was one of the permanent tenants who

19 would tell me things like that because he has

20 been also very upset and looking into the

21 Lantern Group, I believe.

22 Q. What exactly did Chris Santee tell

23 you regarding the Lantern Group status as a

24 private developer?

25 A. He told me that the Lantern Group

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1 Rolande Cutner 298
 2 had also a building that they bought, that
 3 they were in this business of buying other
 4 buildings and he told me about that, about
 5 buying other buildings.
 6 Q. Did he tell you whether or not the
 7 buildings that they were buying were going to
 8 be used for non profit purpose?
 9 A. Well, not exactly like that. He
 10 would say there is some kind of fraud going
 11 on, on the fact that they bought several
 12 buildings and they are under false pretense
 13 of helping the poor. I remember he said
 14 false pretense of helping the poor. That I
 15 remember in the conversation and that I think
 16 he mentioned at least four different
 17 buildings and that was a substance of the
 18 conversation.
 19 Q. Did he tell you what those four
 20 buildings that you referred to were being
 21 used for instead of helping the poor?
 22 A. No, he did not elaborate on that.
 23 Q. Did he tell you where he got that
 24 information from?
 25 A. No, he didn't say.

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1 Rolande Cutner 300
 2 Q. What did he say to you in response
 3 to your concerns?
 4 A. He said that after October, I think
 5 October 27th but, again, I have to look at
 6 the date book, after October 27th when he
 7 sign this memorandum of understanding, let's
 8 call it that, memorandum of understanding,
 9 after October, I think October 27th, they
 10 were not anymore in negotiation with the
 11 Lantern Group regarding renovation of the
 12 building and protection of the permanent
 13 tenants and that negotiations were dead and
 14 that they were not anymore, negotiation,
 15 group of advisory people, that SRO Law
 16 project was not anywhere involved because the
 17 Lantern Group was not coming truthfully to
 18 the negotiation and that yes, after the 27th
 19 of October, there were not anymore
 20 negotiation with the Lantern Group and he
 21 said also that if I pursue it, he will come,
 22 and I said "would you testify to what you
 23 just said" and he said "sure, I have no
 24 problem with that."
 25 Q. And did Mr. Islam tell you during

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1 Rolande Cutner 299
 2 Q. Other than the conversation you
 3 testified to with Mr. Santee, is there any
 4 other reason, basis for your belief that the
 5 Lantern Group is actually a private
 6 developer?
 7 A. I also spoke with the lawyer of the
 8 SRO law project.
 9 Q. Is that Mr. Islam?
 10 A. M. Islam, yes; Shafaq Islam.
 11 Q. What did you say to Mr. Islam?
 12 A. Same thing about, you know, how
 13 upset I was, what was going on in the
 14 building and that the Lantern Group packs the
 15 illegal Mexicans, that we were suffering a
 16 lot and I explained the situation of the
 17 building to Mr. Shafaq Islam on the specific
 18 incident where he had participate in a
 19 memorandum of understanding with the Lantern
 20 Group and his signature was at the bottom of
 21 this piece of paper and this is why I want to
 22 talk to him because when I saw his signature
 23 down this memorandum of understanding, of
 24 course, I became very upset and I immediately
 25 request an appointment and I went to see him.

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1 Rolande Cutner 301
 2 this conversation that the Lantern Group is
 3 not a non profit organization?
 4 A. No, we did not talk about this
 5 particular. He just said that the SRO law
 6 project kind of withdrew from the negotiation
 7 because they had the feeling that it was
 8 going nowhere.
 9 Q. Other than what you've already
 10 testified to, is there any other way that you
 11 relied on these misstatements that you allege
 12 were misleading?
 13 A. Tell me again.
 14 Q. I'll rephrase.
 15 Other than what you've already
 16 testified to, is there any way in which you
 17 relied on the statements that the Lantern
 18 Group was a charitable organization?
 19 A. Other than what we discussed
 20 already?
 21 Q. Right?
 22 A. No, I don't recall. I don't
 23 recall.
 24 Q. Other than what you've already
 25 testified to, are there any other damages

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1 Rolande Cutner 302

2 that you suffered?

3 A. I don't recall.

4 Q. I'm going to direct you to the last

5 page of the complaint. You say that you're

6 requesting an order that the management

7 agreement between Capital Resources and 319

8 West Street, LLC be declared void and

9 unenforceable; what agreement are you

10 referring to?

11 A. Management agreement.

12 Q. Why do you believe that the Court

13 should declare this agreement void and non

14 enforceable?

15 A. Because of the fraud.

16 Q. Is that the fraud that you already

17 testified to, that you just told me about?

18 A. Yes.

19 Q. In Section C you say you want to

20 award accrual damages pursuant to the first

21 and second cause of action in the amount of

22 \$100,000; what is your basis for seeking

23 \$100,000?

24 A. Related to the agreement I have

25 from my office, I would say renewing the

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1 Rolande Cutner 304

2 hardship for me.

3 Q. You also in Section D you say award

4 statutory damages pursuant to the first cause

5 of action in the amount of \$100,000; what is

6 your basis?

7 A. Because I am a disabled person. I

8 have disability and, you know.

9 Q. You also allege in Section E

10 punitive damages pursuant to the first and

11 second cause of action in the amount of

12 \$300,000; what is your basis for asking for

13 \$300,000 in punitive damages?

14 A. I understand that if you, if the

15 Lantern Group is acting in such strategy way

16 so that a jury can award punitive damages to

17 others, as an example to other corporations

18 who pretend to be non profit, pretend to help

19 the poor and as a matter of fact not doing

20 that, it would be an example for other

21 corporations and then I understand that the

22 \$100,000 that I am asking for my own damage

23 could be and again, that's up to the jury not

24 me, the judge, the jury could decide it is

25 three times the damages that this lady

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1 Rolande Cutner 303

2 office is \$2,000 a month so that would come

3 to \$24,000 a year and then if I lose my

4 office and if I have to find another office

5 in Manhattan, it would be very, very

6 expensive for me to find a new office so I

7 came with this number comparing the price of

8 offices in Manhattan.

9 And also which is important, I am

10 73 years old. I'm planning to work ten years

11 ago until 83 and if I had to find another

12 office and work ten years, you know, I would

13 need the money to pay for the office for ten

14 more years and if I lose this agreement with

15 the KVB partners then I am really very, very

16 in a difficult position to find office that

17 was related to the losing the office space.

18 Q. Other than what you've testified to

19 before regarding the fact that if you might

20 not have clean clothes you may lose your

21 office, is there any other reason why you

22 believe you might lose your office?

23 A. Well, I mean, you know, the fact

24 that I am so upset, I'll be totally upset and

25 then I'll lose office and it will be terrible

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1 Rolande Cutner 305

2 suffered but that will be to frighten other

3 corporations to do bad steps.

4 This is what I understood that the

5 punitive damages is, to frighten other

6 corporations to do something bad, not for me

7 and it will be three times the damages. This

8 is what I understood but I could be wrong and

9 it's the nature of the jury.

10 MS. HOLTZER: Let's take a

11 five-minute break.

12 (Whereupon, a recess was

13 taken at this time.)

14 Q. Ms. Cutner, I'm going to refer to

15 you Section F, the last page of the

16 complaint, Exhibit A. You say you would like

17 the Court to award you cost and expenses;

18 what have your cost and expenses been so far?

19 A. That's a process server I

20 understand and I don't have the file in front

21 of me but I understand it's \$395 an hour,

22 something like that, process server; the taxi

23 when I go to the court. So from either from

24 my office or from my home, like, we went, I

25 went there for the process fees -- let me

<p style="text-align: right;">Page 306</p> <p>1 Rolande Cutner 306</p> <p>2 see, one for the process fees then I went</p> <p>3 there when I filed a default judgment then I</p> <p>4 went there in January when we had the hearing</p> <p>5 then I went there --</p> <p>6 Q. Sorry to interrupt you. Hearing,</p> <p>7 meaning the initial conference?</p> <p>8 A. Yes, initial conference,</p> <p>9 January 9th, I believe. And then we went</p> <p>10 there again lately. When was that?</p> <p>11 Q. The status conference?</p> <p>12 A. July, something like that. So for</p> <p>13 time back and forth with the taxi. I mean</p> <p>14 the big, big expenses was the process server,</p> <p>15 the taxi to go back and forth. What else? I</p> <p>16 don't think, I don't think because I'm a</p> <p>17 lawyer, I don't pay myself. David Cutner, my</p> <p>18 former husband, he's kind enough to say,</p> <p>19 "I'll do that as a gift," you know, when he</p> <p>20 came to help me so, no, no fee like that and</p> <p>21 viola.</p> <p>22 Q. How much did you spend on taxis to</p> <p>23 and from the court?</p> <p>24 A. Oh, generally from my office it's</p> <p>25 like about 12 or 15, depending on the</p>	<p style="text-align: right;">Page 307</p> <p>1 Rolande Cutner 307</p> <p>2 traffic.</p> <p>3 Q. So about 12 to \$15 each time?</p> <p>4 A. But return so it would be 30.</p> <p>5 Q. Round trip about \$30 round trip</p> <p>6 each of the four times you would go to court?</p> <p>7 A. Yes.</p> <p>8 Q. I'm going to refer you now to what</p> <p>9 has been marked as Exhibit F, it's your</p> <p>10 disclosure; I just want to go through your</p> <p>11 list of potential witnesses.</p> <p>12 On the second page you list</p> <p>13 Christopher Santee; is that the same</p> <p>14 Christopher Santee you mentioned several</p> <p>15 times throughout your testimony?</p> <p>16 A. Yes, yes.</p> <p>17 Q. What can Robert Atkins testify to,</p> <p>18 what was Robert Atkins a witness to?</p> <p>19 A. It's a permanent tenant.</p> <p>20 Q. As a permanent tenant, why did you</p> <p>21 put his name down regarding --</p> <p>22 A. Because I think and I hope, I</p> <p>23 remember, I think one day he was sitting just</p> <p>24 on the stoop but again, you know, I have to</p> <p>25 recall but I think he was sitting on the</p>
<p style="text-align: right;">Page 308</p> <p>1 Rolande Cutner 308</p> <p>2 stoop and he was a witness to some of my</p> <p>3 confrontations with security guard. I think</p> <p>4 he can testify to that.</p> <p>5 Q. Is there anything else that you</p> <p>6 think Robert Atkins could testify to?</p> <p>7 A. Right now at this minute, no, but</p> <p>8 maybe.</p> <p>9 Q. What about Christopher Ford?</p> <p>10 A. Christopher Ford, I remember he was</p> <p>11 a guy, you remember he was the guy in the</p> <p>12 bathroom taking a poo and then the guy went</p> <p>13 banging on the door and he said, "How do you</p> <p>14 feel that you are in the bathroom," and the</p> <p>15 guy is -- I remember that, so he probably</p> <p>16 will testify about that, about the fact that</p> <p>17 the social worker had absolutely no respect</p> <p>18 for him and was banging on the bathroom door.</p> <p>19 I think he will testify about that.</p> <p>20 Q. What about Nikolas Legrande?</p> <p>21 A. Yes, he will testify to the verbal</p> <p>22 abuse from the security guard. I think also</p> <p>23 from, I would say, verbal abuse he would</p> <p>24 testify.</p> <p>25 Q. Verbal abuse towards you or towards</p>	<p style="text-align: right;">Page 309</p> <p>1 Rolande Cutner 309</p> <p>2 other tenants as well?</p> <p>3 A. Towards me because he was a</p> <p>4 witness.</p> <p>5 Q. What about Almady Mamadou?</p> <p>6 A. Well, this guy, I believe it's a</p> <p>7 guy who is from African country where he also</p> <p>8 would be a witness for me to testify about,</p> <p>9 you know, the fact that security guard would</p> <p>10 turn away my laundry. I believe that he was</p> <p>11 there one day when I had this confrontation.</p> <p>12 I believe. I believe.</p> <p>13 Q. What about Ian Robertson?</p> <p>14 A. Same thing, confrontation with the</p> <p>15 security guard.</p> <p>16 Q. Monika Sandoval?</p> <p>17 A. Yes. They are in the Room 344, you</p> <p>18 see, next to me, so they will testify also of</p> <p>19 what's going on, you know, in this building.</p> <p>20 Q. You mean the conditions of the</p> <p>21 building?</p> <p>22 A. Maybe, but the problem is that they</p> <p>23 are Spanish so I am not sure. But at one</p> <p>24 point she said yes. But, you know,</p> <p>25 questionable.</p>

<p style="text-align: right;">Page 310</p> <p>1 Rolande Cutner 310</p> <p>2 Q. What about Shoshana Morgan?</p> <p>3 A. Yes, she would. I think she will</p> <p>4 testify, I think so. She said yes but, you</p> <p>5 know, again, this list, when you go back,</p> <p>6 they might change their mind. I mean, you</p> <p>7 know what I say when I talk to them and I say</p> <p>8 to you, remember this, oh, yes, oh, yes, I</p> <p>9 testify, but you know, it's not, you</p> <p>10 understand that.</p> <p>11 Q. I understand. I'm not asking</p> <p>12 whether or not they're going to testify, I'm</p> <p>13 asking what you believe that they witnessed.</p> <p>14 A. Yes, yes. So this lady Shoshana,</p> <p>15 same thing, verbal abuse and this.</p> <p>16 Q. James Wood is the gentleman you</p> <p>17 testified about last time that moved to</p> <p>18 Huntermoon Hall?</p> <p>19 A. Yes, and he came back and when he</p> <p>20 came back, he complained to me and he said</p> <p>21 that he did not like Huntermoon but again,</p> <p>22 you know, I don't know if he will testify.</p> <p>23 Q. What about Mimi Yon?</p> <p>24 A. She complained to me because she</p> <p>25 had an understanding with the Lantern Group</p>	<p style="text-align: right;">Page 311</p> <p>1 Rolande Cutner 311</p> <p>2 lawyer and then she complained to me that the</p> <p>3 Lantern Group reneged on her understanding,</p> <p>4 what she had negotiated and she said, "I can</p> <p>5 testify to that, that they say yes, yes, yes</p> <p>6 and then after the next day it's not yes." I</p> <p>7 think she will testify to that particular</p> <p>8 fact, I think that she said.</p> <p>9 Q. What was William Ashby a witness</p> <p>10 to?</p> <p>11 A. He will testify to the terrible</p> <p>12 condition of the building.</p> <p>13 Q. And Fernando Colon?</p> <p>14 A. Also the condition of the building.</p> <p>15 Q. What about Shelly Rosner?</p> <p>16 A. Well, she said, "You will have to</p> <p>17 subpoena me" because she's very, very afraid</p> <p>18 of the Lantern Group and she said, you know,</p> <p>19 "I wish I could testify." Because if you</p> <p>20 remember in my complaint, you remember the</p> <p>21 story about people coming from the roof and</p> <p>22 you remember she said she lived on the 6th</p> <p>23 floor and she was terrified, you remember the</p> <p>24 whole story?</p> <p>25 Q. Yes.</p>
<p style="text-align: right;">Page 312</p> <p>1 Rolande Cutner 312</p> <p>2 A. So this is this lady, Shelly</p> <p>3 Rosner, but she's terrified, and with reason,</p> <p>4 because she said, you know, "If they evict</p> <p>5 me, I be a whole mess. I be on the streets</p> <p>6 so you can't ask me voluntarily." She's</p> <p>7 terrified, terrified.</p> <p>8 Q. What about Alexis Chavis, what did</p> <p>9 Alexis Chavis witness?</p> <p>10 A. Terrible condition of the building,</p> <p>11 you see.</p> <p>12 Q. And Cynthia Edwards?</p> <p>13 A. Said she will come and testify</p> <p>14 about the, you know, the security guard, the</p> <p>15 verbal abuse against me. She will testify</p> <p>16 because she was a witness there when that</p> <p>17 happened so if she accept to testify, if she</p> <p>18 accept, you know.</p> <p>19 Q. What was Jorge Ruiz a witness to?</p> <p>20 A. Terrible condition of the building.</p> <p>21 Q. And Florence Baylor?</p> <p>22 A. This lady, this lady has two, she</p> <p>23 can testify about two things: The verbal</p> <p>24 abuse because she was witness that the</p> <p>25 security guard really talk badly to me. And</p>	<p style="text-align: right;">Page 313</p> <p>1 Rolande Cutner 313</p> <p>2 you remember the lady she went outside with a</p> <p>3 little dog and she was in her evening</p> <p>4 nightgown and it's the guard closed the door</p> <p>5 and she couldn't get into the apartment, you</p> <p>6 remember this story?</p> <p>7 Q. I remember that testimony.</p> <p>8 A. So this is Florence and she said</p> <p>9 she will testify.</p> <p>10 Q. What is Thierry Poe a witness to?</p> <p>11 A. Terrible condition of the building.</p> <p>12 Q. What about Rosalba Rodriguez a</p> <p>13 witness to?</p> <p>14 A. Well, she could testify to the fact</p> <p>15 that we tried with the minimum of</p> <p>16 understanding to negotiate with the Lantern</p> <p>17 Group, you know, at least we try and she</p> <p>18 suddenly confirm we make an effort to arrive</p> <p>19 to a better understanding, you know. I am</p> <p>20 pretty sure she will remember that.</p> <p>21 Q. What was Michael Meade a witness</p> <p>22 to?</p> <p>23 A. Well, I think he was there when we</p> <p>24 had -- you remember this big visit of the</p> <p>25 building with the elected officials came, it</p>

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1 Rolande Cutner 314
 2 was like, you know, August in 2007 and you
 3 remember the story, there was all this
 4 violation and they went through the whole
 5 building and they look at the violation so
 6 this guy Michael Meade was there, he was
 7 there.
 8 Q. And what was David Weinberg a
 9 witness to?
 10 A. I think he was aware also of the
 11 visit. I am not sure if he was actually at
 12 the visit because it was this huge group of
 13 people and, you know, there were a lot of the
 14 elected officials at that particular visit in
 15 the months of August so I think it was one of
 16 the people at this group but I am not sure.
 17 Q. What was Aaron Biller a witness to?
 18 A. Aaron Biller is the president of
 19 this group of neighbors who are very upset
 20 with renovation project because they are
 21 owner of apartment, co-op or condo. I don't
 22 know if it is co-op or if it is condo but I
 23 know for sure they own the apartment and they
 24 are afraid that not only the adjacent wall
 25 will be cocked because the building being in

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1 Rolande Cutner 316
 2 manager of the -- you remember the story
 3 about the cleaners?
 4 Q. Yes.
 5 And Richard Bekins?
 6 A. He help me because one day I fell
 7 practically in front of him and he helped me
 8 to go into my building.
 9 Q. Other than what you've already
 10 testified to today and at your deposition on
 11 July 10th, are there any other facts that you
 12 haven't already testified about that you
 13 believe support your claims against the
 14 Lantern group?
 15 A. You mean fact?
 16 Q. Other than what you've already told
 17 me about, is there anything else that you
 18 haven't told me about that you believe
 19 supports your claims against the Lantern
 20 Group?
 21 A. I think I'll have to look into my
 22 calendar, you know, or whatever when there is
 23 a, for instance, verbal abuse. I'll maybe
 24 write it down, maybe, but I would say it's
 25 pretty, we did a pretty good testimony about

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1 Rolande Cutner 315
 2 the middle of being renovated, demolished and
 3 each building on each side will suffer of the
 4 renovation.
 5 I believe that that is one of his
 6 concerns and the second concern is because
 7 the, what we call, quote, unquote, NY3
 8 population will be, 60 percent will be put
 9 into the building, they are former drug
 10 addicts, former psychiatrists patients
 11 released from New York Hospital, people
 12 suffering from AIDS, people publicly
 13 homeless, they are going to be put in our
 14 building and this Aaron Biller is afraid
 15 because the Lantern Group explain to us that
 16 they are going to have a social worker from
 17 9:00 to 5:00 and nothing from 5:00 to the
 18 next day, to the next day 9 o'clock. So
 19 9 o'clock in the morning, so that it will
 20 mean that we are totally at the mercy of
 21 somebody doing something bad to us so this
 22 Aaron Biller is very much concerned about the
 23 NY3 population.
 24 And Maxene Cleaners is the lady who
 25 is the, she's not the owner but she's the

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1 Rolande Cutner 317
 2 what really happened to me since March 2006
 3 until now.
 4 I think it's pretty complete, see,
 5 but I don't want to close the door because if
 6 somebody comes to my mind, of course, I would
 7 like to tell you because you have to be aware
 8 of what's happened, so right now let me say
 9 that we cover pretty well the incident.
 10 Q. As far as you can recall, just
 11 sitting here today, you believe --
 12 A. We cover the incident.
 13 Q. Other than what you've already
 14 testified to today and on July 10th, are
 15 there any other damages that you allege that
 16 you've suffered that you didn't already
 17 testify about?
 18 A. Not that I recall but you know, I
 19 don't want to close the door completely. If
 20 I find, I have more or a number, whatever,
 21 immediately I let you know. Absolutely.
 22 Q. But as you sit here today, as far
 23 as you know and as far as you recall, we've
 24 covered everything with regard to your
 25 incident?

